

SENATE BILL 753

By Haile

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Title 63, Chapter 1 and Title 63, Chapter 10, Part 3, relative to the board of pharmacy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-10-301(a), is amended by deleting the subsection and substituting the following:

(a)

(1) There is created a board of pharmacy.

(2) The board shall enforce parts 2-5 of this chapter and all laws that pertain to the practice of pharmacy and shall cooperate with other state and federal governmental agencies regarding any violations of any pharmacy drug or drug-related laws.

SECTION 2. Tennessee Code Annotated, Section 63-10-302, is amended by deleting the section and substituting the following:

(a) The membership of the board as comprised on June 30, 2023, is vacated on July 1, 2023, and new members are appointed in accordance with subsection (b).

(b)

(1) The board consists of nine (9) members to be appointed by the governor as follows:

(A) Seven (7) pharmacist members;

(B) One (1) pharmacy technician member; and

(C) One (1) consumer member.

(2) Of the pharmacist members appointed to the board:

(A) Three (3) must be independent pharmacists;

(B) One (1) must be a hospital pharmacist; and

(C) One (1) must have sterile compounding training, and be either an independent pharmacist or a hospital pharmacist.

(c) In order to stagger the terms of the newly appointed board members, the initial appointments are made as follows:

(1) Three (3) of the members appointed under subdivision (b)(1)(A) serve initial terms of two (2) years, which expire on June 30, 2025;

(2) Three (3) of the members appointed under subdivision (b)(1)(A) serve initial terms of four (4) years, which expire on June 30, 2027; and

(3) One (1) of the members appointed under subdivision (b)(1)(A) and the two (2) members appointed under subdivisions (b)(1)(B) and (C) serve initial terms of six (6) years, which expire on June 30, 2029.

(d)

(1) Following the expiration of a member's initial term as prescribed in subsection (c), each member serves a term of six (6) years that begins on July 1 and terminates on June 30, six (6) years thereafter.

(2) A member whose term has expired:

(A) Shall continue to serve until the member's successor is duly appointed and qualified; and

(B) May be reappointed in accordance with the requirements for appointment as prescribed in this section.

(3) The governor may remove a member of the board with or without cause.

(4) A vacancy created by the removal of a member pursuant to subdivision (d)(3) must be filled by the governor in the same manner as the original appointment.

(e) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that one (1) person serving on the board is a member of a racial minority.

(f) Interested pharmacist groups, including, but not limited to, the Tennessee Pharmacists Association, may recommend five (5) duly qualified persons for a vacancy from whom the governor may be requested to make appointments. The governor shall consult with the groups to determine qualified persons to fill the positions.

(g) Each appointee shall, within ten (10) days after appointment, take an oath to be filed with the secretary of state that the appointee will faithfully and impartially perform the appointee's duties.

(h) The seven (7) pharmacist members appointed under subdivision (b)(1)(A) must be practicing pharmacists licensed under this part, and the pharmacy technician member appointed under subdivision (b)(1)(B) must be a practicing pharmacy technician qualified under rules promulgated by the board pursuant to § 63-10-306.

(i) To be eligible for appointment as a pharmacist member of the board, a person must be a graduate of a recognized school or college of pharmacy and must have practiced as a pharmacist under this or some other law of this state for a period of at least five (5) consecutive years immediately preceding their appointment.

(j) The board has all of the duties, powers, responsibilities, and authority specifically granted or necessary to the enforcement of parts 2-5 of this chapter, as well as other duties, powers, responsibilities, and authority that may be granted by law.

SECTION 3. Tennessee Code Annotated, Section 63-10-303(a), is amended by deleting the subsection and substituting the following:

The board shall annually elect a president and a vice president from the board's pharmacist members.

SECTION 4. Tennessee Code Annotated, Section 63-10-303(c), is amended by deleting the subsection and substituting the following:

(c)

(1) The board shall appoint an executive director who has been licensed as a pharmacist in this state for a period of at least five (5) consecutive years immediately preceding the appointment.

(2) The executive director's duties are specified by the board and by the director and may include, but not be limited to, recording and compiling the minutes of the board, supervising the employees assigned by the division of health-related boards to support the board, performing studies and research that the board directs, representing the board at functions as authorized by the board, and acting as consultant to the division of health-related boards in its enforcement duties on behalf of the board.

(3) The board may dismiss the executive director with or without cause.

SECTION 5. Tennessee Code Annotated, Section 63-10-303, is amended by adding the following as a new subsection:

Notwithstanding any authority of the division of health-related boards or the department, the board:

(1) May, by simple majority vote, employ or retain general counsel for the board to advise the board in matters relating specifically to the board's authority, duties, and function. General counsel employed or retained by the board must

be a graduate of an accredited law school and admitted to practice law in this state; and

(2) Hear and make determinations on cases that come before the board.

SECTION 6. Tennessee Code Annotated, Section 63-10-304(f)(3), is amended by deleting the word "director" and substituting the words "executive director".

SECTION 7. This act takes effect July 1, 2023, the public welfare requiring it.